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December 1, 2004

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DEC - 1 2004

Federal Communications Commission  
Office of Secretary

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Room CY-B402  
Washington, D.C. 20554

Re: *Notice of Ex Parte Presentation*  
*IB Docket No. 04-112*

Dear Ms. Dortch:

Yesterday the undersigned attorney, on behalf of Kelley Drye & Warren LLP ("Kelley Drye"), met with Linda Blake, John Copes, Cathy Hsu, David Krech, Susan O'Connell, Peggy Reitzel and Mark Uretsky of the International Bureau. The parties discussed the reply comments filed by Kelley Drye in the above-referenced proceeding. In those reply comments, Kelley Drye urged the Commission to withdraw or defer its proposed clarification of the definition of "facilities-based" in Section 63.09(a). There is ambiguity as to the scope and content of the current definition, and, in Kelley Drye's view, the proposed clarification could cause confusion of its own, particularly given the lack of a well-understood industry definition of a "private line circuit." Kelley Drye also expressed its concern that the proposed clarification could inadvertently alter the regulatory fee obligations of providers. Given that many capacity agreements do not directly address the allocation of regulatory fees, such a change could have an immediate and unexpected adverse impact on numerous carriers. The parties also discussed the advisability of the Commission issuing a separate Public Notice to solicit industry input on the definition of the term "private line circuit." To the extent the Commission adopts the proposed clarification, the parties discussed the possibility that any such clarification should apply solely on a prospective basis.

Although the issue is not raised in this proceeding, the parties also discussed the scope and applicability of the international bearer circuit fee under the Commission's current rules. Kelley Drye expressed the view that to the extent the Commission undertakes to modify or clarify the bearer circuit fee rules, the Commission should wait until that time to consider clarifying the definition of "facilities-based."

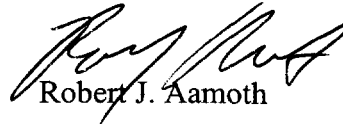
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KELLEY DRYE & WARREN LLP

Marlene H. Dortch, Secretary  
December 1, 2004  
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Please contact the undersigned attorney should you require further information.

Sincerely,



Robert J. Aamoth

cc: Linda Blake (FCC)  
John Copes (FCC)  
Cathy Hsu (FCC)  
David Krech (FCC)  
Susan O'Connell (FCC)  
Peggy Reitzel (FCC)  
Mark Uretsky (FCC)